

DECLARATION AND POWER OF ATTORNEY

Docket No.: RUS013USU

As below-named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe that we are the original, first and sole inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BALL-THROWING MACHINE

the specification of which is attached hereto.

We hereby state that we have reviewed and understand the content of the above-identified specification, including the claims.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations Sec. 1.56(a) which states as follows:

“(a) A duty of candor, and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.”

and, we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations Sec. 1.63(d).

We hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 of any foreign application(s) for patent or inventor certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

NONE

(Number)

(Country)

(Day/Mon/Yr Filed)

Yes No

We hereby claim the benefit under Title 35, United States Code, Sec. 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claim(s) of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Sec. 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Sec. 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

NONE

(Appln. S/N)

(Filing Date)

(patented, pending etc.)

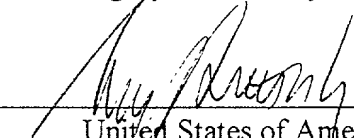
(Appln. S/N)

(Filing Date)

(patented, pending etc.)

Full name of first inventor: Gregory J. Battersby

Inventor's signature



Date

Feb 25, 1999

Citizen:

United States of America

Residence:

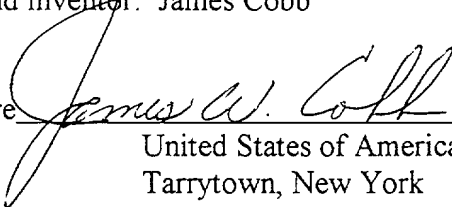
Westport, Connecticut

Post Office Address:

25 Poplar Plain Road
Westport, Connecticut 06880

Full name of second inventor: James Cobb

Inventor's signature



Date

Feb 23, 1999

Citizen:

United States of America

Residence:

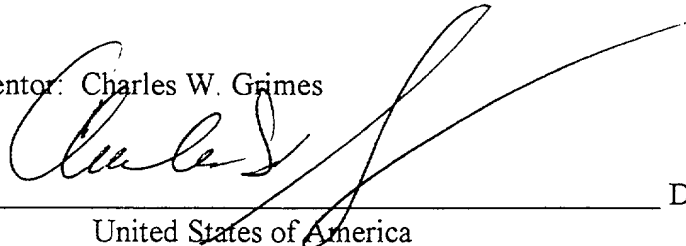
Tarrytown, New York

Post Office Address:

70 South Broadway
Tarrytown, New York 10591

Full name of third inventor: Charles W. Grimes

Inventor's signature



Date

2/23/99

Citizen:

United States of America

Residence:

Darien, Connecticut

Post Office Address:

55 Allwood Road
Darien, Connecticut 06820

1. *Staphylococcus aureus* (Staph. aureus) is a common cause of skin infections, such as abscesses and impetigo. It is also a leading cause of hospital-acquired infections, including pneumonia and bloodstream infections.

POWER OF ATTORNEY

As named inventor, we hereby appoint the following attorneys to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith:

James G. Coplit, Esq.	Reg. No. 40,571
Gregory J. Battersby, Esq.	Reg. No. 26,703
Charles W. Grimes, Esq.	Reg. No. 27,791

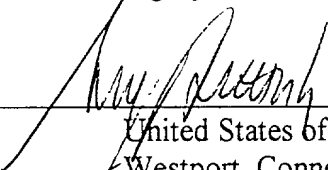
Send all correspondence and direct all telephone calls to:

James G. Coplit, Esq.
GRIMES & BATTERSBY
Post Office Box 1311
Stamford, CT 06904-1311
(203) 324-2828

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Sec. 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Gregory J. Battersby

Inventor's signature



Date

FEB 25, 1999

Citizen:

United States of America

Residence:

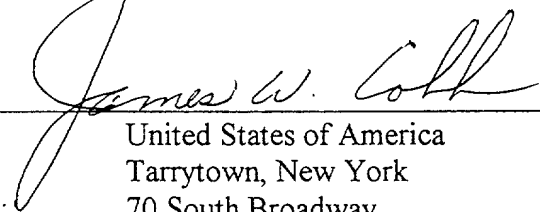
Westport, Connecticut

Post Office Address:

25 Poplar Plain Road
Westport, Connecticut 06880

Full name of second inventor: James Cobb

Inventor's signature



Date

FEB 23, 1999

Citizen:

United States of America

Residence:

Tarrytown, New York

Post Office Address:

70 South Broadway
Tarrytown, New York 10591

Full name of third inventor: Charles W. Grimes

Inventor's signature

United States of America

Date

2/23/99

Citizen:

Residence:

Darien, Connecticut

Post Office Address:

55 Allwood Road

Darien, Connecticut 06820

Full name of fourth inventor: Richard D. Schile, PhD

Inventor's signature

United States of America

Date

Feb. 23, 1999

Citizen:

Residence:

Ridgefield, Connecticut

Post Office Address:

22 Bloomer Road

Ridgefield, Connecticut 06877

Full name of fifth inventor: Steve Van Geldern

Inventor's signature

United States of America

Date

3/1/99

Citizen:

Residence:

Rowayton, Connecticut

Post Office Address:

5 Covewood Drive

Rowayton, Connecticut 06853

ASSIGNMENT FOR UNFILED APPLICATION FOR US PATENT

WHEREAS, Gregory J. Battersby, a United States citizen, whose address is 25 Poplar Plain Road, Westport, Connecticut 06880, James Cobb, a United States citizen, whose address is 70 South Broadway, Tarrytown, New York 10591, Charles W. Grimes, a United States citizen, whose address is 55 Allwood Road, Darien, Connecticut 06820, Richard D. Schile, PhD, whose address is 22 Bloomer Road, Ridgefield, Connecticut 06877, and Steve Van Geldern, whose address is 5 Covewood Drive, Rowayton, Connecticut 06853 (collectively, the "ASSIGNORS"), have invented and own a certain invention entitled BALL-THROWING MACHINE for which application for Letters Patent of the United States has been executed on even date herewith.

WHEREAS, KENT COMMUNICATIONS, LTD., a Connecticut corporation having an address at P.O. Box 1169, Stamford, CT 06904-1169 ("ASSIGNEE"), is desirous of acquiring the entire interest therein, to and under said invention and in, to and under Letters Patent or similar legal protection to be obtained therefor in the United States and in any and all foreign countries.

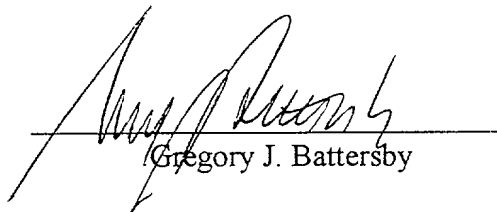
NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN:

Be it known that in consideration of the payment by ASSIGNEE to ASSIGNORS of the sum of ONE DOLLAR (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto ASSIGNEE the full and exclusive right, title and interest in and to said invention in the United States and its territorial possessions and in all foreign countries and to all Letters Patent or similar legal protection in the United States and its territorial possessions and in any and all foreign countries to be obtained for said invention by said application or any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in a foreign country for the full term or terms for which the same may be granted.

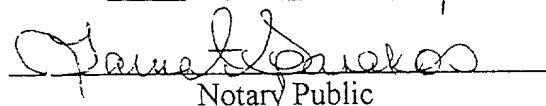
ASSIGNORS COVENANT and AGREE and WARRANT that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment and sale;

ASSIGNORS COVENANT and AGREE and WARRANT that ASSIGNEE will, at any time upon request, without further compensation, be provided with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents in all foreign countries as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof in any foreign country which may be necessary or desirable to carry out the purposes thereof.

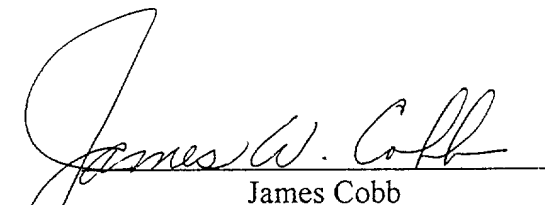
IN WITNESS WHEREOF, we have hereto set hand and seal this 1st day of March, 1999.


Gregory J. Battersby

Sworn and subscribed to before
me this 25th day of February, 1999.


Notary Public

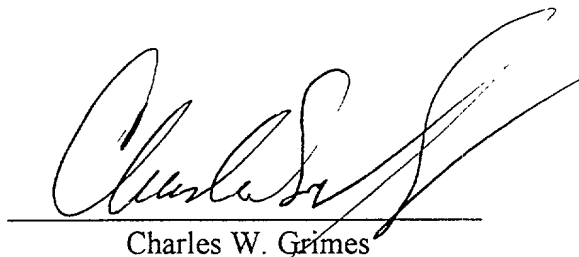
LAURA A. SPANAKOS
NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 31, 2001


James Cobb


Sworn and subscribed to before
me this 23rd day of February, 1999.


Notary Public

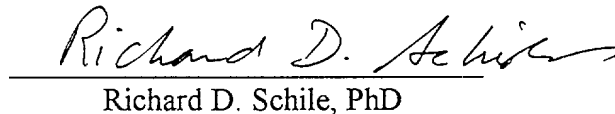
LAURA A. SPANAKOS
NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 31, 2001


Charles W. Grimes


Sworn and subscribed to before
me this 23rd day of February, 1999.


Notary Public

LAURA A. SPANAKOS
NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 31, 2001


Richard D. Schile, PhD

Sworn and subscribed to before
me this 23rd day of February, 1999.


Notary Public

LAURA A. SPANAKOS
NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 31, 2001

Applicant(s): Gregory J. Battersby, James Cobb, Charles W. Grimes, Richard D. Schile, and Steve Van Geldern
Serial or Patent No.: TBA Docket No.: RUS013USU
Filed or Issued: TBA
For: BALL-THROWING MACHINE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9 (f) and 1.27 (b) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9 (c) for purposes of paying reduced fees under section 41 (a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled BALL-THROWING MACHINE described in

☒ the specification filed herewith

☐ application serial no. _____, filed _____

☐ patent no. _____, issued _____

I have not assigned, granted, conveyed or licensed any am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9 (c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e)

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☐ no such person, concern, or organization

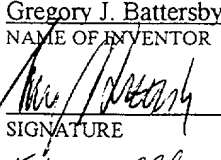
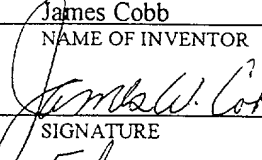
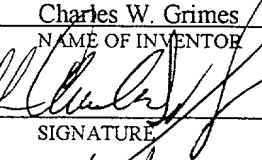
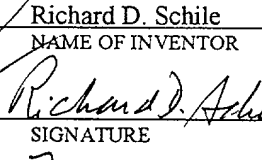
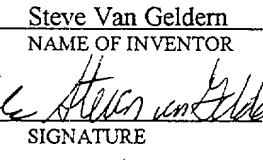
☒ persons, concern or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME Kent Communications, Ltd.
ADDRESS P.O. Box 1169, Stamford, Connecticut 06904-1169
☒ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NON PROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

<u>Gregory J. Battersby</u>	<u>James Cobb</u>	<u>Charles W. Grimes</u>	<u>Richard D. Schile</u>	<u>Steve Van Geldern</u>
NAME OF INVENTOR	NAME OF INVENTOR	NAME OF INVENTOR	NAME OF INVENTOR	NAME OF INVENTOR
				
SIGNATURE	SIGNATURE	SIGNATURE	SIGNATURE	SIGNATURE
<u>Feb 25, 1999</u>	<u>Feb 23, 1999</u>	<u>2/23/99</u>	<u>Feb. 23, 1999</u>	<u>3/1/99</u>
DATE	DATE	DATE	DATE	DATE
<u>25 Poplar Plain Road</u>	<u>70 South Broadway</u>	<u>55 Allwood Road</u>	<u>22 Bloomer Road</u>	<u>5 Covewood Drive</u>
<u>Westport, CT 06880</u>	<u>Tarrytown, NY 10591</u>	<u>Darien, CT 06820</u>	<u>Ridgefield, CT 06877</u>	<u>Rowayton, CT 06853</u>
ADDRESS OF INVENTOR	ADDRESS OF INVENTOR	ADDRESS OF INVENTOR	ADDRESS OF INVENTOR	ADDRESS OF INVENTOR

Applicant(s): Gregory J. Battersby, James Cobb, Charles W. Grimes, Richard D. Schile, and Steve Van Geldern
Serial or Patent No.: TBA Docket No.: RUS013USU
Filed or Issued: TBA
For: BALL-THROWING MACHINE

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9 (f) and 1.27 (c) - SMALL BUSINESS CONCERN**

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Kent Communications, Ltd.
ADDRESS OF CONCERN P.O. Box 1169, Stamford, Connecticut 06904-1169

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9 (d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party of parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled BALL-THROWING MACHINE by inventor (s) Gregory J. Battersby, James Cobb, Charles W. Grimes, Richard D. Schile and Steve Van Geldern described in

☒ the specification filed herewith

☐ application serial no. _____, filed _____

☐ patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below * and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9 (d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9 (e) or a nonprofit organization under 37 CFR 1.9 (e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____ ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NON PROFIT ORGANIZATION

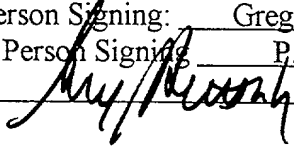
NAME _____ ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NON PROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name Of Person Signing: Gregory J. Battersby Title Of Person Other Than Owner President

Address Of Person Signing P.O. Box 1169, Stamford, CT 06905-1169

Signature  Date 3/1/99